

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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MARCOS CALCANO, on behalf of himself and all other :
persons similarly situated, :

Plaintiff, :

-v- :

ADIDAS AMERICA, INC., :

Defendant. :
-----X

19-cv-10060 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has before it several motions to dismiss in cases alleging violations of the Americans with Disabilities Act for the failure of businesses to accommodate legally blind individuals in the purveyance of gift cards. Similar motions to dismiss raising the same arguments as are raised in the motions before this Court are currently pending on appeal before the Second Circuit in the following cases: *Dominguez v. Banana Republic, LLC*, 20-1559 and *Murphy v. Kohl's Corp.*, 20-1608.

Accordingly, IT IS HEREBY ORDERED that the motions to dismiss (Dkt. Nos. 32, 36) in this case are DENIED WITHOUT PREJUDICE to renewal after a decision by the Second Circuit in either *Dominguez* or *Murphy*:

IT IS FURTHER ORDERED that all proceedings in this case are STAYED pending a decision in either *Dominguez* or *Murphy*.

SO ORDERED.

Dated: June 26, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge